



exempt property in the custody of Garnishee, Bank of America (“BOA”), and its affiliates, successors, or assigns (“Garnishee”). ECF No. 49. Defendant was ordered to pay \$15,603.67 in restitution, plus interest at a rate of 1.210%. ECF No. 43 at 4–5. As of July 14, 2021, the total outstanding balance was \$9,259.30.<sup>2</sup> The Court previously issued a writ of garnishment. ECF No. 46. Plaintiff served the writ on BOA, and it answered. ECF Nos. 47 & 48. BOA represented that it is in custody of funds belonging to Defendant that are subject to the writ. ECF No. 48. Defendant was served with the writ and notified of his right to a hearing, but he failed to request one. ECF No 47.

Therefore, it is **ORDERED** that within fifteen (15) days from the date of its receipt of this Final Order, Garnishee shall turn over to the United States all non-exempt funds within Account X0763 in its possession up to the outstanding balance on Defendant’s debt of \$9,259.30.<sup>3</sup> Garnishee shall issue a cashier’s check or money order made payable to the United States District Clerk, bearing criminal case number 4:16-MJ-1026. The check or money order shall be mailed to:

United States District Court  
515 Rusk St., Suite 5300, Attention: Finance  
Houston, TX 77002

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<sup>2</sup> As of June 9, 2021, the outstanding balance on Defendant’s judgment debt was \$9,326.67. ECF No. 43-1 at 1. Defendant was ordered to pay his judgment debt of \$15,603.67, plus interest, in equal monthly installments of \$300.00 over a period of 35 months. ECF No. 43 at 4. Defendant defaulted as of July 2021, because he paid \$67.37 instead of \$600.00 between June and July 2021.

<sup>3</sup> BOA may withhold federal taxes and applicable penalties, if any, from non-exempt funds before turning the property over to the United States and shall notify the United States of the amount withheld as well as the reason.

It is further **ORDERED** that, upon receipt, the United States District Clerk shall apply the funds towards the restitution and/or fine obligation imposed per the judgment rendered in criminal case number 4:16-MJ-1026-1, ECF No. 43.

It is further **ORDERED** that Garnishee shall relinquish any additional non-exempt funds that later come into its possession up to the outstanding balance on Defendant's debt of \$9,259.30, if any at that time.

It is further **ORDERED** that Garnishee shall provide written notification to Defendant and the United States of the dates, sources, and amounts of all the funds it delivers pursuant to this final order.

It is further **ORDERED** that the United States District Clerk is directed to deliver copies of this Order to the following:

Bank of America and its affiliates, successors, or assigns  
Attention: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713  
Garnishee

Joe Shoemaker, Jr.  
ADDRESS ON FILE  
Defendant

John Noh  
Assistant United States Attorney  
1000 Louisiana Street, Suite 2300  
Houston, TX 77002  
Attorney for the United States of America

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on August 12, 2021.

A handwritten signature in black ink that reads "Dena Palermo". The signature is fluid and cursive, with the first name "Dena" and last name "Palermo" clearly distinguishable.

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**Dena Hanovice Palermo**  
**United States Magistrate Judge**